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10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA

12  
13 DZHOKAR GUTSIEV,

14 Petitioner,

15 v.

16 TODD BLANCHE, *et al.*,

17 Respondents.  
18  
19

Case No.: 3:26-cv-02575-JAO-AHG

**RETURN TO PETITION FOR A  
WRIT OF HABEAS CORPUS**

20  
21 Petitioner has filed a habeas petition and amended petition under 28 U.S.C. § 2241,  
22 as well as a motion for a temporary restraining order. ECF 1, 3, 4. The government has  
23 carefully reviewed this petition and determined that the legal issues presented concern the  
24 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of  
25 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including  
26 the right to appeal, the government respectfully submits this abbreviated response to  
27 preserve the legal issues, to conserve judicial and party resources, and to expedite the  
28 Court's consideration of this matter.

1 It is the government's position that Petitioner is subject to mandatory detention under  
2 § 1225(b)(2). However, the government acknowledges that this Court, and Courts in this  
3 District, have repeatedly reached the opposite conclusion under the same and/or similar  
4 facts. *See, e.g., Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773  
5 (S.D. Cal. Nov. 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025  
6 WL 3030457 (S.D. Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025  
7 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal.  
8 2025); *Esquivel-Ipina v. LaRose*, 812 F.Supp.3d 1073 (S.D. Cal. 2025); *Lucas-Miguel v.*  
9 *LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov. 21, 2025);  
10 *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13,  
11 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12,  
12 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13,  
13 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 225);  
14 *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal.  
15 Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931  
16 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF No. 7 (S.D.  
17 Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL 3182998 (S.D.  
18 Cal. Nov. 13, 2025).

19 The government acknowledges that this Court's prior decisions will control the  
20 result here if the Court adheres to its prior decisions, as the facts are not materially  
21 distinguishable for purposes of the Court's decision, and on that basis the government does  
22 not oppose the petition to the extent it seeks a bond hearing under 1226(a), and it otherwise  
23 defers to the Court as to the appropriate relief.<sup>1</sup>

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26 <sup>1</sup> If the Court issues an order directing a bond hearing under 1226(a), considering heavy  
27 caseloads and staffing levels, Respondents respectfully request that such order provide  
28 the government 14 days from issuance to hold such bond hearing.

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DATED: April 30, 2026

Respectfully submitted,

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